

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELFEGO LARA and LEONOR LARA,

Plaintiffs,

v.

AMERICAN HOME MORTGAGE
SERVICING, INC., a Delaware Corporation,
and DOES 1-100,

Defendants.

Case No.: 12-cv-01130-LHK

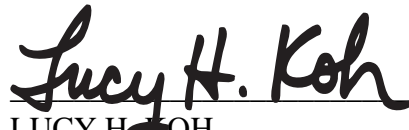
ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

On February 6, 2012, Plaintiffs Elfego Lara and Leonor Lara (collectively “Plaintiffs”) commenced this action against Defendant American Home Mortgage Servicing, Inc. (“Defendant”) in the Superior Court of California, County of Santa Clara, which Defendant then removed to federal court on March 6, 2012, asserting jurisdiction under 28 U.S.C. § 1332 as the ground for removal. *See* ECF No. 1 (“Notice of Removal”), ¶ 2. On March 13, 2012, Defendant filed a motion to dismiss the Complaint for failure to state a claim for relief pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 5. Plaintiffs did not file an opposition. *See* ECF No. 9. Because Plaintiffs did not consent to proceed before a United States Magistrate Judge, the case was reassigned to the undersigned judge on April 9, 2012. *See* ECF No. 13. Defendant re-noticed its motion to dismiss on April 11, 2012, which is set for hearing on July 26, 2012. *See* ECF No. 14. Plaintiffs have again failed to file an opposition by their response date. *See* ECF No. 16.

1 Accordingly, the Court hereby ORDERS Plaintiffs to show cause by June 1, 2012, why this
2 case should not be dismissed for failure to prosecute. This Order does not authorize Plaintiffs to
3 file an untimely opposition to Defendant's motion to dismiss. The hearing on Defendant's motion
4 to dismiss and the case management conference scheduled for July 26, 2012, are VACATED, and a
5 hearing on this Order to Show Cause is set for June 13, 2012, at 2:00 p.m. Plaintiffs' failure to
6 response to this Order and to appear at the June 13, 2012 hearing will result in dismissal of this
7 action with prejudice for failure to prosecute.

8 **IT IS SO ORDERED.**

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10 Dated: May 18, 2012

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12 LUCY H. KOH
13 United States District Judge
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